

REMARKS

Claims 1-3, 5, 6, and 12-17 are pending in the present application. All pending claims stand rejected. Reconsideration of the present rejections of all pending claims is respectfully requested in light of the following remarks.

Claims 1, 12, and 15 were rejected under 35 U.S.C. §102(e) as being anticipated by Saito (U.S. Patent No. 6,421,373). Applicant respectfully traverses this rejection for the following reasons.

Concerning independent claim 1, it is asserted in the Office Action that Saito discloses all of the claimed elements. Saito, however, only discloses a system where a receiver is operable for receiving a signal from a first base station, while selectively searching pseudorandom code phases of received second signals from a second base station. Although alleged in the Office Action, nowhere does Saito teach or suggest first and second pilot data where a “first PN sequence is generated from equations *different* from equations used to generate [a] second PN sequence” as featured in claim 1. Saito teaches merely offsetting or shifting of PN codes to differentiate base stations in accordance with the IS-95 standard (col. 1, lines 27-39). Again, Applicant respectfully submits that merely because the PN sequences are offset by phase does not mean that the PN sequences are different (i.e., generated using different equations).

Furthermore, since the contemplated environment of Saito is an IS-95 system, this is no different from the background art described in paragraphs [0007] through [0009] of the present application. Saito merely adds additional processing (e.g., correlators 82) to resolve the PN offset to identify a base station, but no mention or suggestion is given that a second base station uses different equations to generation a second PN sequence. Indeed, it is arguable that Saito teaches away from the presently claimed features since additional processing is taught in Saito to resolve the PN offset, whereas the presently claimed apparatus is advantageous by providing a means for quicker initial acquisition without the need for additional processing (i.e., a different or uncorrelated PN sequence). Accordingly

Saito fails to teach or suggest all of the claimed elements of claim 1. Thus, for at least the foregoing reasons, Seta does not anticipate or even suggest all of the claimed elements.

With respect to independent claims 12 and 15, these claims contain elements similar to those discussed above with respect to claim 1. Accordingly, these claims are believed to be allowable over the cited prior art for at least the same reasons presented above.

Claims 1-3, 5, 6, and 12-17 were rejected under 35 U.S.C. §102(e) as being anticipated by Czaja (U.S. Pub. Appl. No. US 2002/0037726). Applicant respectfully traverses this rejection for the following reasons.

The present Office Action now purports that Czaja, which was already of record as being a 103 reference, anticipates all elements of all pending claims. Taking claim 1, as an example, this claim features, among other things, a “first PN sequence . . . generated from equations *different* from equations used to generate [a] second PN sequence.” Despite the assertions that this is taught by Czaja, the reference does not actually teach or suggest this claimed element. Simply because 2G and 3G systems employ different modulation schemes and spreading rates for data channels does not firstly directly relate to pilot data, which is unmodulated (See e.g., paragraph [0006] of Czaja). Secondly, different modulation and spreading rates for data channels does not in any way necessitate that pilot data is spread with PN sequences generated using different equations. In fact, the state of the prior art as of the date of the application was that where co-located IS-95 (2G CDMA technology) and CDMA2000 (3G CDMA technology) systems exist, different base stations would use a different offset of the same PN sequence. Czaja does not teach or suggest any modification of this system. Rather, Czaja merely teaches methods for soft handoff between 2G and 3G systems using supplemental messaging enabling management of neighbor lists in mobile stations, and fails to teach or suggest the use of different equations for generating first and second PN sequences for pilot data as featured in claim 1. Accordingly, Czaja does not teach or suggest all of the claimed elements claim 1, and the rejection should be withdrawn.

With respect to independent claims 12 and 15, these claims contain elements similar to those discussed above with respect to claim 1. Accordingly, these claims are also believed to be allowable over Czaja for at least the same reasons presented above.

Since Applicant submits that independent claims 1, 12, and 15 are allowable in view of the Czaja, claims 2, 3, 5-6, 13-14, and 16-17 depending from these allowable independent claims are also believed allowable for at least the same reasons, as well as on their own merits. Accordingly, the cited references, whether in combination or taken separately, fail to teach or suggest all the claimed elements of the present dependent claims.

Claims 2, 3, 5, 6, 13, 14, 16, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Seta in view of Czaja (U.S. Pub. Appl. No. US 2002/0037726). Applicant respectfully traverses this rejection for the following reasons.

Applicant first notes that this rejection is somewhat confusing in that claims 2, 3, 5, 6, 13, 14, 16, and 17 were also rejected in the present Office Action under 102(e) as anticipated by Czaja. Thus, it is unclear why another reference, namely Seta, would be combined with a reference purportedly already teaching all of the claimed elements.

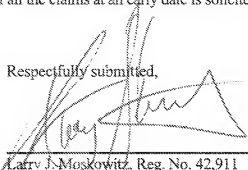
Notwithstanding the unorthodoxy of the rejection, Applicant submits that independent claims 1, 12, and 15 are allowable in view of Czaja as argued before, and therefore claims 2, 3, 5-6, 13-14, and 16-17 depending from these allowable independent claims are also believed allowable for at least the same reasons, as well as on their own merits.

PATENT

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

Respectfully submitted,

Date: February 16, 2010



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